

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 4 OF 2007

WITH

CIVIL APPLICATION NO. 70 OF 2007

Tembhi Naka Mitra Mandal & Ors.

... Petitioners

V/s.

Thane Municipal Corporation & Ors.
Respondents

...

Mr. S.S. Kulkarni for the Petitioners

Mr. R.S. Apte for Respondents No. 1 and 2

Mr. S.R. Nargolkar, Assistant Government Pleader,
for Respondents No. 3, 4 and 6

Mr. G.S. Godbole i/by Ms. Gauri Godse for Respondent No. 7

Mr. R.S. Datar for Respondent No. 8.

CORAM: **J.N. PATEL, AND**
A.A. SAYED, JJ.

DATE: **OCTOBER 31, 2007**

P.C.:-

1. Heard.
2. The learned counsel for the petitioners submits that the public interest litigation may be disposed of with a direction to the State Government to consider the representation of the petitioner-Mandal and other citizens of the area for making available an open space for recreation in respect of the subject land where a school is proposed to be constructed.
3. It is contended that alteration in the Development Plan is sought by the citizens of the region.
4. In our view, it is for the Planning Authority, as well as the Urban Development Department of the State of Maharashtra, to deal with the issue involved in the public interest litigation. We, therefore, dispose of this petition with a direction to the respondent-Municipal Corporation, as well as the Urban Development Department of the Government of Maharashtra, to

consider the representation made by the petitioners and other citizens of the area, take a decision in the matter within a period of three months from the date of this order, and communicate the decision to the petitioners and other citizens of the area. The [P.I.L.](#) stands disposed of accordingly.

5. Consequently, the Civil Application does not survive, and stands disposed of.

J.N. PATEL, J.

A.A. SAYED, J.